

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

DANA BARBER FAUL

CIVIL ACTION NO. 19-1221

VERSUS

JUDGE MICHAEL J. JUNEAU

SCOTT FONTENOT, ET AL.

MAGISTRATE JUDGE WHITEHURST

JUDGMENT

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, and having thoroughly reviewed the record, noting the absence of written objections filed, and concurring with the findings of the Magistrate Judge under the applicable law;

IT IS ORDERED that the Motion to Dismiss for Failure to State a Claim and/or Motion for More Definite Statement [Doc. 7] is GRANTED IN PART AND DENIED IN PART, as explained hereinbelow. IT IS ORDERED that defendants' motion to dismiss the plaintiff's claims against Mayor Fontenot, Chief, Fontenot, and Deputy Chief Daigle in their official capacities is GRANTED, and these claims are DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that defendants' motion to dismiss the plaintiff's claims against the City of Eunice is DENIED.

IT IS FURTHER ORDERED that the defendants' motion to dismiss the plaintiff's claims against Mayor Fontenot, Chief Fontenot, and Deputy Chief Daigle in their individual capacities is **DENIED** at this time. **IT IS ORDERED** that the plaintiff shall amend her complaint within 21 days to more specifically allege her claims against these defendants, including alleging the specific constitutional provisions each defendant is alleged to have violated, and giving attention to the subjective knowledge element required by the qualified immunity analysis.

IT IS FURTHER ORDERED that defendant's motion for a more definite statement is denied.

THUS DONE AND SIGNED in Lafayette, Louisiana, on this 21st day of August, 2020.

A handwritten signature in black ink, appearing to read "Michael J. Juneau", is written over a horizontal line.

MICHAEL J. JUNEAU

UNITED STATES DISTRICT JUDGE